

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Crystal Weaver Brown, on behalf of K.M., a minor, <sup>1</sup>	)	C/A No. 5:20-cv-02422-SAL
	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>OPINION &amp; ORDER</b>
	)	
Kilolo Kijakazi, Acting Commissioner of Social Security,	)	
	)	
	)	
Defendant.	)	
	)	

Plaintiff Crystal Weaver Brown, on behalf of K.M., a minor (“Plaintiff”) brought this action pursuant to 42 U.S.C. § 405(g) and § 1383(c)(3), seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying her claim for Supplemental Security Income. [ECF No. 1.] In accordance with 28 U.S.C. § 636 and Local Civil Rule (D.S.C.) 73.02 (B)(2)(a), this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial handling. On December 21, 2021, the Magistrate Judge issued a Report and Recommendation (“Report”), recommending that the Commissioner’s decision be reversed and remanded for further administrative action. [ECF No. 53.] Attached to the Report is a Notice of Right to File Objections. [ECF No. 53-1.] Neither party filed objections to the Report.<sup>2</sup>

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a

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<sup>1</sup> K.M. was a minor at the time Plaintiff filed the Social Security claim. However, K.M. reached adulthood during the pendency of the claim and was an adult when Plaintiff filed the Complaint. Because the case is captioned using the claimant’s initials instead of his full name and the Report referred to claimant by his initials, the undersigned will do the same here.

<sup>2</sup> The Commissioner filed a notice of intent not to file objections to the Report. [ECF No. 55.]

de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, the Commissioner’s decision is **REVERSED** and **REMANDED** for further administrative action as outlined in the Report.

**IT IS SO ORDERED.**

/s/ Sherri A. Lydon  
United States District Judge

January 4, 2022  
Florence, South Carolina